

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD HOLLENBECK,
Petitioner,

v.

Case No. 14-C-1355

MARC CLEMENTS, Warden,
Dodge Correctional Institution,
Respondent.

ORDER

Richard Hollenbeck has filed a petition pursuant to 28 U.S.C. § 2254. Pursuant to Rule 4 of the Rules Governing § 2254 Cases, I must give the case prompt initial consideration.

If it plainly appears from the face of the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner. If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

Rule 4, Rules Governing § 2254 Cases. Having reviewed the petition, I conclude that it does not plainly appear that the petitioner is not entitled to relief in the district court. However, it appears from the petition and petitioner's motion for an extension of time that he is seeking to invoke the stay-and-abeyance procedure of Rhines v. Weber, 544 U.S. 269 (2005). In light of this, rather than ordering the respondent to answer the petition, I will order the respondent to indicate whether he opposes the petitioner's request for stay and abeyance.

THEREFORE, IT IS ORDERED that within 30 days of the date of this order, the respondent shall file a response to petitioner's request for stay and abeyance.

Pursuant to the Memorandum of Understanding between the Attorney General and this court, copies of the petition and this order are being sent today to the Attorney General for the State of Wisconsin for service upon the respondent.

Dated at Milwaukee, Wisconsin, this 30th day of October, 2014.

s/ Lynn Adelman

LYNN ADELMAN
District Judge